

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Moises Rabi LOPEZ-Duarte

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

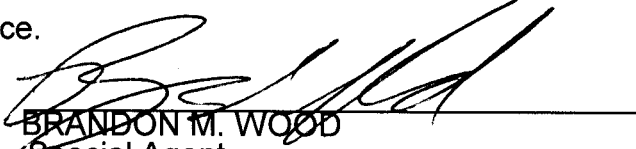
Importation of a Controlled Substance
(Felony)

'08 MJ 8546

The undersigned complainant being duly sworn states:

That on or about June 16, 2008, within the Southern District of California, defendant Moises Rabi LOPEZ-Duarte did knowingly and intentionally import approximately 41.14 kilograms (90.50 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th
DAY OF JUNE 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Moises Rabi LOPEZ-Duarte

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents, and notes
6 furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon
7 Wood.

8 On June 16, 2008, at approximately 1005 hours, Moises Rabi LOPEZ-Duarte
9 entered the United States at the Calexico, California, West Port of Entry (POE).
10 LOPEZ was the driver and sole occupant of a 1991 Dodge Grand Caravan with
11 Mexican license plate number BEE4940.

12 Customs and Border Protection Officer (CBPO) L. Ledbetter was manning
13 primary lane two (2) when the driver of a 1991 Dodge Grand Caravan presented a valid
14 DSP-150 identifying him as Moises Rabi LOPEZ-Duarte. CBPO L. Ledbetter received
15 a negative Customs declaration from LOPEZ. LOPEZ stated to CBPO L. Ledbetter he
16 was going to Calexico to "Pep-Boys" to go shopping. LOPEZ stated he was the owner
17 of the vehicle for approximately a month. CBPO L. Ledbetter conducted an inspection
18 of the vehicle and noticed that the undercarriage of the vehicle looked low. CBPO L.
19 Ledbetter referred the vehicle to the vehicle secondary lot for a more intensive
20 inspection of the vehicle. When LOPEZ was notified to go into the secondary lot he
21 asked CBPO L. Ledbetter, "that's it?" as if he had passed primary inspection.

22 In the vehicle secondary lot, CBPO E. Velazquez received a negative Customs
23 declaration from LOPEZ. CBPO E. Velasquez began to inspect the vehicle when
24 Customs and Border Protection Canine Officer (CEO) A. Garcia passed the vehicle
25 conducting a lot sweep of vehicles in the vehicle secondary lot with his assigned
26 Human-Narcotics Detector Dog (HNDD). CEO A. Garcia's HNDD alerted to the rear
27 door and the driver's side rear panel of the vehicle. CEO A. Garcia notified CBPO E.
28 Velazquez of his HNDD's alert.
29

1 CBPO E. Velazquez performed an intensive inspection of the vehicle and
2 discovered eight (8) packages within the rear quarter panels, seven (7) packages in the
3 spare tire and thirty two (32) packages in a floor compartment. CBPO E. Velazquez
4 probed a package and a green leafy substance was extracted that tested positive for
5 marijuana. A total of forty seven packages (47) packages weighed 41.14 kilograms
6 (90.50 pounds).

7 Special Agent (SA) Brandon Wood placed LOPEZ under arrest for violation of
8 Title 21 United States Code 952 and 960, Importation of a Controlled Substance.
9 LOPEZ was advised of his Constitutional Rights, per Miranda, which he acknowledged
10 and waived.

11 LOPEZ stated that he was given the car he was driving as a gift from his brother-
12 in-law, Francisco Noe AVILES, approximately a week ago. LOPEZ stated AVILES
13 bought the vehicle and gave it to LOPEZ. LOPEZ stated the vehicle was going to be
14 put in his name. LOPEZ stated AVILES borrowed the vehicle on Saturday, June 14,
15 2008, and returned it the night of Sunday, June 15, 2008. LOPEZ stated AVILES told
16 him to take the car to a "Pep-Boys" in Calexico, California where a friend of AVILES
17 named Ramos BELTRAN worked. LOPEZ stated AVILES gave him a phone and
18 showed him the number to call when he arrived at "Pep-Boys."

19 LOPEZ stated BELTRAN was to look at the vehicle and run a computer
20 diagnostics test to fix a problem that was causing warning lights to be on in the vehicle
21 or to take the lights out since AVILES did not like the lights to be on.

22 LOPEZ had three different key rings on his possession at the time of his arrest.
23 LOPEZ stated one ring was for his house keys and the other ring was AVILES'. The
24 third key ring was in the ignition of the vehicle. LOPEZ had two identical cell phones in
25 his possession at the time of his arrest. LOPEZ stated one was his and one was
26 AVILES'. LOPEZ stated he did not know how many miles the vehicle had on it.

27 In the vehicle at the time of arrest was a handwritten paper by a man named
28 Oscar Urias Barreras turning over the vehicle to a Sr. Moises Rabi Lopes Duarte.
29 LOPEZ stated he did not know an Oscar Urias Barreras.